

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 1-18 are pending in the application. Claims 1-12 are currently amended. Claims 13-18 are newly presented. Support for the amendment of Claim 1 can be found in the specification as originally filed at page 2, line 25 through page 3, line 10, for example. Support for the amendments of Claims 2-6, 8-9, and 11-12 is self-evident. Support for the amendment of Claim 10 can be found in Figure 1, for example. Support for new Claims 13 and 18 can be found in Figure 1 for example. Support for new Claims 14-15 can be found in original Claims 11-12, respectively. Support for new Claims 16-17 can be found in the specification as originally filed at page 6, lines 19-20. No new matter is introduced.

In the outstanding Office Action, the Abstract was objected to for informalities. Claims 4-12 were objected to under 37 C.F.R. § 1.75(c) for including multiple dependent claims depending from other multiple dependent claims. Claims 1-3 were rejected under 35 U.S.C. § 102(e) as anticipated by Weaver (U.S. Patent No. 6,623,486).

The Applicants acknowledge with appreciation the courtesy of Examiner Matthew Lawson and Supervisory Patent Examiner (SPE) Thomas Barrett in conducting a personal interview with the Applicants' representatives on April 3, 2009. The substance of the interview is summarized hereinafter.

With respect to the objection of the Abstract, the Specification is currently amended to remove the phraseology "the invention relates to." The amended Abstract also removes the second paragraph. Accordingly, the Applicants respectfully request the objection to the Abstract be withdrawn.

With respect to the objection of Claims 4-12 under 37 C.F.R. § 1.75(c), Claims 4-12 are amended to remove the multiple dependencies. Accordingly, it is respectfully submitted that the objection of Claims 4-12 be withdrawn.

During the interview, the rejections based on Weaver were discussed. Examiner Lawson and SPE Barrett indicated that amending Claims 1 and 7 to recite a triangular shaped envelope appeared to overcome the rejection based on Weaver. Following from this discussion, amended Claims 1 and 7 recite this feature.

Amended independent Claim 1 recites a plate for stabilizing distal radius fractures including a longitudinal shaft and a triangular plate part. Amended Claim 1 also recites that the triangular plate part includes a distal section, provided furthest from the longitudinal shaft, and a first and second transverse surface section that each extend from respective ends of the distal section to the longitudinal shaft. Furthermore, amended Claim 1 recites that an interior surface of each of the distal section, the first transverse surface section, and the second transverse surface section define a *triangular envelope*.

Turning to the applied reference, Figure 7 of Weaver illustrates a bone plate (50) that has an upper surface (52) and a bone contacting surface (54).<sup>1</sup> As can be seen by Figure 7 of Weaver, the bone plate (50) includes threaded round plate holes (56) and non-threaded round plate holes (58). However, Weaver is silent with respect to a triangular envelope defined by interior surfaces of a distal section, a first transverse surface section, and a second transverse surface section. Accordingly, Weaver does not disclose or suggest all the features of amended independent Claim 1, and it is respectfully submitted the amended independent Claim 1 is in condition for allowance.

Amended independent Claim 7 recites a plate for stabilizing distal radius fractures including a longitudinal shaft and a plate part that includes a first and second transverse

---

<sup>1</sup> See Weaver at column 5, lines 65-67.

surface section, that respectively extend away from the longitudinal shaft to define a *Y-shape*. Amended Claim 7 also recites distal ends of the first and second transverse surface sections extend toward each other in an arc shape. Furthermore, an interior surface of the first and second transverse surface sections define a triangular envelope with the arc shape of the distal ends of the first and second transverse surface sections. As stated above, Weaver is silent with respect to a triangular envelope.

Moreover, Weaver does not suggest or disclose a Y-shaped plate part. As noted in the specification as originally filed, the Applicants recognized that a Y-shaped plate part presents several advantages over conventional arrangements. For example, a radius plate in a Y-shape can be easily remodeled.<sup>2</sup> Furthermore, in a dorsal use a Y-shaped plate part may reduce operation trauma, for example.<sup>3</sup>

Based on the foregoing, amended independent Claim 7 is respectfully submitted to be in condition for allowance.

Dependent Claims 2-6 and 8-12 are respectfully submitted to be in condition for allowance for at least the same reasons as amended Claim 1, from which they depend. Moreover, dependent Claims 2-6 and 8-12 recite additional features not suggested or disclosed by the cited reference.

New dependent Claims 13-18 are respectfully submitted to be in condition for allowance for at least the same reasons as the independent Claims from which they depend. Moreover, dependent Claims 13-18 recite additional features not suggested or disclosed by the cited reference.

For example, new dependent Claim 16 recites the plate according to Claim 7 such that the first and second transverse surface sections are *dimensioned such that a bone protrusion fits between the distal ends* of the first and second transfer surface sections. New dependent

---

<sup>2</sup> See the specification as originally filed at page 4, lines 1-3.

<sup>3</sup> See the specification as originally filed at page 4, lines 5-8.

Claim 17 depends from Claim 16 and recites that a bone protrusion is a tuberculum listeri.

Weaver does not suggest or disclose these features.

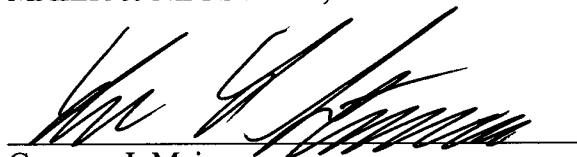
The Applicants note that the court in *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, stated that the limitation “so dimensioned” was as accurate as the subject matter permitted, noting that “patent law does not require that all possible lengths ... be listed in the claims.”<sup>4</sup> Similarly, the limitation “dimensioned such that a bone protrusion fits between the distal ends of the first and second transverse surface sections,” recited in new Claim 15, is also submitted to be definite and carry patentable weight.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-18 is earnestly solicited.

Should Examiner Lawson deem that any further action is necessary to place this application in even better condition for allowance, he is encouraged to contact the Applicants’ undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Lee Stepina  
Registration No. 56,837

---

<sup>4</sup> See M.P.E.P. § 2173.05(b), quoting *Orthokinetics* at 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986).